

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA) CAUSE NO. 3:20-MJ-774-BN
(
vs.)
(JULY 29, 2020
) DALLAS, TEXAS
DARNELL FULTON (1:00 P.M.

INITIAL APPEARANCE

BEFORE THE HONORABLE DAVID HORAN
UNITED STATES MAGISTRATE JUDGE

A P P E A R A N C E S

FOR THE GOVERNMENT: UNITED STATES ATTORNEY'S OFFICE
1100 COMMERCE, 3RD FLOOR
DALLAS, TEXAS 75242
(214) 659-8600
BY: MR. MARTY BASU

FOR THE DEFENDANT: FEDERAL PUBLIC DEFENDER
525 GRIFFIN STREET, SUITE 629
DALLAS, TEXAS 75202
(214) 767-2746
BY: MR. STEPHEN GREEN

OFFICIAL COURT REPORTER: SHAWN M. McROBERTS, RMR, CRR
1100 COMMERCE STREET, RM. 1504
DALLAS, TEXAS 75242
(214) 753-2349

1 THE COURT: Good afternoon. You may be seated.

2 All right. The Court will first call the case United
3 States of America versus Darnell Fulton, Case
4 No. 3:20--MJ-774-BN.

5 MR BASU: Marty Basu on behalf of the Government.

6 THE COURT: Good afternoon.

7 MR. GREEN: Good afternoon. Stephen Green for the
8 Defense.

9 THE COURT: Good afternoon.

10 Good afternoon, Mr. Fulton.

11 Sir, this is your initial appearance. Let me advise you
12 of your constitutional right.

13 You have the right to remain silent. You're not required
14 to make a statement concerning any charge against you. If you
15 have made a statement you're not required to say anymore, and
16 if you start to make a statement you may stop at any time, but
17 any statement that you do make may later be used against you.

18 You have the right to be represented by an attorney at
19 every stage of the case. If you can't afford a lawyer, the
20 Court will appoint a lawyer for you.

21 Mr. Fulton, have you -- do you understand these
22 constitutional rights I've just explained? Do you understand
23 these rights? You have to answer verbally, sir.

24 THE DEFENDANT: Yes.

25 THE COURT: Okay. Have you hired a lawyer or would

1 you like THE Court to appoint counsel?

2 Mr. Fulton, the case isn't going away if you just don't
3 talk; you will remain in custody.

4 Would you like me to appoint a lawyer to represent you?

5 THE DEFENDANT: Sure.

6 THE COURT: Could you answer verbally, please?

7 THE DEFENDANT: I said sure.

8 THE COURT: Okay. I do have a financial affidavit
9 that is -- I believe you completed and signed. I'll hold this
10 up. If you're able to see it, can you confirm that's your
11 signature?

12 THE DEFENDANT: This is not me. Whoever's on that
13 paperwork, that is not me. Whoever name that you have,
14 whatever name that you have on those documents, that's not me.

15 THE COURT: Mr. Green, do you want to talk with
16 Mr. Fulton again?

17 MR. GREEN: Yes, Your Honor. Can I see --

18 THE DEFENDANT: This is illegal. This whole
19 proceeding is illegal.

20 MR. GREEN: Hold on a second.

21 THE COURT: Do you need a copy of the document?

22 THE DEFENDANT: I don't -- that's illegal, false
23 information that's presented to the grand jury. Lies was
24 presented to the grand jury by the United States, by the FBI,
25 and everyone involved in this case. I am being falsely

1 accused.

2 MR. GREEN: Mr. Fulton, stop talking.

3 THE DEFENDANT: That is not me on that paperwork.

4 MR. GREEN: Your Honor, I might need a few minutes
5 outside.

6 THE COURT: Sure.

7 THE DEFENDANT: That is not me. I do not consent to
8 these proceedings in no way, no shape, form, or fashion.

9 (Pause in proceedings.)

10 MR. GREEN: Thank you, Your Honor.

11 THE COURT: Yes.

12 MR. GREEN: Mr. Fulton has explained to me that he
13 does not understand what's going on. We tried to talk about
14 it back and forth, and I told him that I'd tell the Court that
15 he doesn't understand what's going on.

16 THE COURT: Okay. Okay. Thank you, Mr. Green.

17 Mr. Fulton, a federal grand jury in the Alexandria
18 Division of the Western District of Louisiana, the United
19 States District Court there, handed down an indictment that
20 charges you with certain felonies under federal law and also
21 issued an arrest warrant. You've now been arrested on that
22 warrant for those charges in that indictment.

23 Under federal law, if you're arrested -- and you've --
24 but you weren't arrested in the Alexandria Division of the
25 Western District of Louisiana, Pineville or otherwise; you

1 were arrested here in Dallas. So you have certain -- so by
2 law, you're required to come before a magistrate judge in the
3 district -- the federal district where you were arrested.
4 That's here.

5 One of the things that a magistrate judge here in this
6 district needs to do, and what I just did, is advise you of
7 your constitutional rights. You also have the right to a
8 lawyer -- to have a lawyer appointed to represent you here and
9 also in the case over in Alexandria, but for purposes of
10 today, you have the right to have a lawyer represent you, or
11 you can hire a lawyer; but either way, what's going to happen
12 today, what's required to happen by law, is that you be
13 advised of the charges, which it sounds like you've been able
14 to review them, but you strongly disagree with them -- and I
15 understand that. I don't expect defendants to come in and
16 admit to the allegations. All we need to do is just make sure
17 that you understand what it is the Government's saying you
18 did, no matter how much you may disagree with it, and you have
19 rights to two hearings you can have here.

20 THE DEFENDANT: So I don't have any rights, because
21 no matter what the Government says, the Government's going to
22 do what the Government's going to do is what you're telling
23 me, so I don't have no rights.

24 THE COURT: No. Mr. Fulton, you have certain rights
25 here, and then you have to face the charges there and certain

1 challenges --

2 THE DEFENDANT: So if I have rights, I wouldn't be
3 in these shackles.

4 THE COURT: That's not the the way arrest warrants
5 work and --

6 THE DEFENDANT: Then that's why this whole system is
7 a fraud.

8 THE COURT: Okay. Well, we don't need you to --

9 THE DEFENDANT: That's why this country is in the
10 shape that it's in today.

11 THE COURT: Mr. Fulton, you don't have to agree with
12 the system, but I need to tell you what you have the right to
13 today. One is a hearing --

14 THE DEFENDANT: The majority of America doesn't
15 agree with this system.

16 THE COURT: Mr. Fulton, I just --

17 THE DEFENDANT: That's why there's protests all over
18 this country right now.

19 THE COURT: Mr. Fulton, I just don't know how to
20 explain this to you any clearer. No matter how much you
21 disagree, no matter how --

22 THE DEFENDANT: (To the Marshal) Are you going to
23 hit me? Are you going to hurt me? Are you going to do
24 something physically to me?

25 THE COURT: Mr. Fulton, there are certain --

1 THE DEFENDANT: Could you please give me space, sir?

2 THE COURT: Mr. Fulton, there are certain
3 proceedings --

4 THE DEFENDANT: I am a free man. I have not done
5 anything. I am not convicted of anything. I am a free man.
6 Will you please move and stop intimidating me?

7 THE MARSHAL: I'm not intimidating you.

8 THE DEFENDANT: Yes, you are.

9 THE MARSHAL: I'm just telling you to talk to the
10 judge.

11 THE COURT: Mr. Fulton, your right to be released
12 pending these charges is only after a detention hearing is
13 held. You could have a lawyer to represent you at that
14 hearing. I would appoint Mr. Green to represent you. He's
15 with the Federal Public Defender's Office here. He's a very
16 terrific lawyer, does very well for his clients. You can have
17 that detention hearing here.

18 You can also have a hearing at which the Government has
19 to show you are the same Darnell Fulton who's charged in this
20 indictment. That doesn't mean that that hearing would be
21 about whether you committed --

22 THE DEFENDANT: And I am not the same Darnell Fulton
23 that is being charged in this indictment.

24 THE COURT: All right. So you would like to have an
25 identity hearing in which Mr. Green would represent you?

1 THE DEFENDANT: Whatever that is.

2 THE COURT: All right. Well, I am going to appoint
3 the Federal Public Defender to represent you, Mr. Fulton. I
4 do find you qualify, and I am appointing the Federal Public
5 Defender to represent you in these proceedings. Mr. Green is
6 here. I know you-all have spoken at least partially about
7 this case.

8 THE DEFENDANT: This is why your cities are burning.
9 This is why. Because you can just take someone on someone's
10 word and just pull them into court and shackle them. How many
11 people have you done this to?

12 THE COURT: Mr. Fulton, you're just not helping
13 yourself right now. Nothing you're doing right now is helping
14 anything that you're interested in. You need to just listen
15 to your lawyer and understand that this is what is happening
16 at this point.

17 Mr. Green, would Mr. Fulton like to go forward with an
18 identity hearing and detention hearing, then? Not necessarily
19 today, but --

20 THE DEFENDANT: So now he's going to speak for me?

21 THE COURT: Mr. Green, on behalf of Mr. Fulton.

22 MR. GREEN: Apparently we need to move forward with
23 the hearings.

24 THE COURT: Okay.

25 MR. GREEN: The other hearings are scheduled for

1 Friday. With the Court permitting, if we could schedule that
2 for Friday, and I can speak with Mr. Client between now and
3 then. I think that might be helpful.

4 THE COURT: Yeah.

5 MR. GREEN: If that works for the Government.

6 MR. BASU: Can I have a moment, Your Honor?

7 THE COURT: Yes, please.

8 (Pause in proceedings.)

9 MR. BASU: The Government has no objection.

10 THE COURT: Okay. I'll set down the identity
11 hearing and detention hearing for this coming Friday, July
12 31st, 2020. That will be during the 1:00 p.m. docket here.
13 And --

14 MR. BASU: Just for the record, it's going to be an
15 identity hearing and a --

16 THE COURT: And detention hearing.

17 MR. GREEN: Yes.

18 THE COURT: Okay. Well, then this order will set
19 those hearings for this coming Friday, July 31, 2020, and
20 Mr. Fulton will be held in custody until those hearings can
21 take place.

22 Mr. Green, anything further for today, then?

23 MR. GREEN: No, Your Honor. Thank you.

24 THE COURT: Mr. Basu for the Government.

25 MR. BASU: Yes. Could I make an oral motion to

1 unseal the indictment?

2 THE COURT: I don't have the power to unseal the
3 indictment in the Western District of Louisiana. That will
4 need to be addressed with the judge there.

5 MR. BASU: Thank you.

6 THE COURT: All right. Well, Mr. Fulton, we will
7 see you back Friday for those hearings, and you'll be able to
8 meet with Mr. Green until then -- between now and then.

9 And Mr. Fulton is remanded back into the custody of the
10 United States Marshal, and we'll be adjourned as to this case.

11 (End of hearing.)

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1 I HEREBY CERTIFY THAT THE FOREGOING IS A
2 CORRECT TRANSCRIPT FROM THE RECORD OF
3 PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.
4 I FURTHER CERTIFY THAT THE TRANSCRIPT FEES
5 FORMAT COMPLY WITH THOSE PRESCRIBED BY THE
6 COURT AND THE JUDICIAL CONFERENCE OF THE
7 UNITED STATES.

8
9 S/Shawn McRoberts 08/03/2020

10 _____DATE_____
11 SHAWN McROBERTS, RMR, CRR
12 FEDERAL OFFICIAL COURT REPORTER
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